



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 31, 1997

Ms. Tracy B. Calabrese
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR97-0224

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 103712.

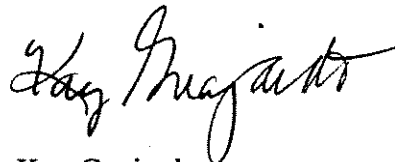
The City of Houston (the "city") received a request for "information in the form of dispatch logs, tapes or recorded radio communications indicating the location of Houston Police Department vehicles parked at or in the immediate vicinity of the 5900-6200 Block of Richmond Avenue on May 5, 1996, during the hours of 2:30 a.m. through 2:55 a.m. Information produced pursuant to this request should include details regarding any investigatory stops." You state that there are no responsive dispatch tapes or mobile dispatch transmissions because the police department reuses its tapes after approximately 90 days. You assert that a certain offense report is excepted from required public disclosure based on Government Code section 552.108.

Section 552.108 of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution. Gov't Code § 552.108; see *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). The offense report at issue is "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation,

or prosecution of crime." We therefore conclude that except for front page offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure. On the other hand, you may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 103712

Enclosures: Submitted documents

cc: Mr. Christian Samuelson
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